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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,078	04/03/2001	Roberto DeLima	RSW92000141US1	9743

7590	07/12/2006		EXAMINER	

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/825,078	DELIMA ET AL.
	Examiner	Art Unit	
	Benjamin R. Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-15,17-21,23-30,32-34,37-39,41-48 and 50-57* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-15,17-21,23-30,32-34,37-39,41-48 and 50-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

Status of Claims:

Claims 1-4, 6-15, 17-21, 23-30, 32-34, 37-39, 41-48, 50-57 are pending in this Office Action.

Claims 5, 16, 22, 31, 35-36, 40, and 49 remain cancelled.

Claims 1-4, 6-12, 15, 17-21, 23-27, 32-34, 37-39, 41-45, 50-51, 53, 55, 57 are amended.

Response to Arguments

Applicant's arguments filed 6/9/06 have been fully considered but are moot in view of

new grounds of rejection

Applicant's invention as claimed:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1, 2, 14, 4, 15, 6-12, 17-18, 52-53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,772,333 by Brendel.

Regarding claim 1, a method of providing improved quality of service over a series of related messages exchanged between computers in a networking environment that are related to the transaction (Brendel: col. 5, lines 45-50; col. 2, lines 27-50), comprising:

determining one or more transactional quality of service ("TQoS") values to be applied to the related messages (Brendel: col. 6, lines 9-25; col. 2, lines 27-50);

using the determined TQoS values when transmitting at least one of the related messages from a server computer to a client computer as a response message related to a request message from a computer (Brendel: col. 6, lines 9-25);

annotating a routing token of the response message with information reflecting the determined TQoS values (Brendel: col. 6, lines 9-25);

transmitting the response message with the annotated routing token with the information reflecting the determined TQoS values from the server computer to the client computer (Brendel: col. 6, lines 9-25);

receiving the response message transmitted with the annotated routing token at the client computer (Brendel: col. 6, lines 9-25); and

transmitting the TQoS values obtained from the annotated routing token from the client computer to the server computer with subsequent request messages which are each related to the response message from the server (Brendel: col. 11, lines 35-45).

Regarding claim 2, the method according to claim 1, wherein one of the TQoS values for a transmission priority value to be used when transmitting the annotated routing token from the server computer to the client computer (Brendel: col. 9, lines 37-56).

Regarding claim 14, the method according to claim 2, further comprising using the transmission priority value to prioritize the transmission of the at least one transmitted message through the networking environment (Brendel: col. 9, lines 37-56).

Regarding claim 4, the method according to claim 1, further comprising storing the determined TQoS values for use when transmitting subsequent related <u>response</u> messages to the <u>client</u> computer (Brendel: col. 2, lines 29-37).

Regarding claim 15, the method according to claim 4, wherein storing the determined TQoS values for use when transmitting subsequent related <u>response</u> messages to the <u>client</u> computer comprises storing the determined TQoS values in a server computer (Brendel: col. 2, lines 29-37).

Regarding claim 6, the method according to claim 1, wherein:

the annotated <u>routing token</u> transmitted from the server computer to the client computer comprise<u>s</u> an object reference that is annotated to carry the TQoS values (Brendel: col. 6, lines 9-25); and

transmitting the TQoS values from the client computer to the server computer with subsequent related <u>request</u> messages comprises automatically returning the TQoS values to the server computer with subsequent related <u>request</u> messages based on the annotation of the object reference in <u>the</u> related <u>response</u> message that is received from the server computer (Brendel: col. 11, lines 35-45).

Regarding claim 7, the method according to claim 1, wherein at least one of the response messages transmitted with the annotated routing token is a response that serves a web page to the client computer (Brendel: col. 5, lines 45-52).

Regarding claim 8, the method according to claim 1, wherein at least one of the response messages transmitted with the determined TQoS values is a request from the client computer for a Web page (Brendel: col. 3, lines 6-15).

Regarding claim 9, the method according to claim 1, wherein at least one of the request messages transmitted with the determined TQoS values is a request from the client computer for a Web object (Brendel: col. 3, lines 6-15; col. 11, lines 35-45).

Regarding claim 10, the method according to claim 1, wherein at least one of the response messages transmitted with the annotated routing token is a response that serves a web page to the client computer and wherein at least one of the subsequent related request messages is a request for information referenced by the web page (Brendel: col. 3, lines 16-56; col. 1, lines 34-56).

Regarding claim 11, the method according to claim 1, wherein at least one of the response messages transmitted with the annotated routing token is a response that serves a web page to the client computer and wherein at least one of the subsequent related request messages is a request for information selected from the web page by a user of the client computer (Brendel: col. 3, lines 16-56; col. 1, lines 34-56).

Regarding claim 12, the method according to claim 1, wherein using the determined TQoS values when transmitting at least one of the related messages <u>from a server computer to a client computer as a response message related to a request message from the client computer</u> further comprises using the determined TQoS values to set markings in a network layer header of the response messages <u>transmitted with the annotated routing token</u> (Brendel: col. 3, lines 22-33).

Regarding claim 52, the method according to claim 1, further comprising storing the TQoS values as one or more cookies on the client computer (Brendel: col. 3, lines 24).

Regarding claim 53, the method according to claim 52, wherein transmitted the TQoS values from the client computer to the server computer with subsequent related request messages comprises determining the TQoS values to be transmitted from the client computer based on the stored one or more cookies on the client computer (Brendel: col. 3, lines 22-34).

Regarding claim 17, the method according to claim 1, wherein the annotated routing token is used to modify a Uniform Resource Locator from a header of selected ones of the related messages (Brendel: Fig. 3b, Fig. 8; col. 3, lines 39-56).

Regarding claim 18, the method according to claim 17, wherein the annotated routing token further comprises information enabling identification of the client computer and another computer which performs the transmitting, as well as identification of a cookie on the client computer used to store the determine TQoS values for the related messages (Brendel: col. 3, lines 7-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 13 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,772,333 by Brendel in view of U.S. Patent Publication No. 2002/0019873 by Goldszmidt et al.

Regarding claim 3, the Brendel reference teaches the method of claim 1 with quality of service in session requests. The Brendel reference fails to teach bandwidth information.

However, the Goldszmidt reference teaches a TQoS values is available bandwidth information pertaining to a network connection to the client computer (Goldszmidt: page 7, para 82; page 1, para 6-7) to alleviate quality of service problems and quickly accurately complete service requests for each session (Gold: page 1, para 6-7).

It would have been obvious at the time of the invention to one of ordinary skill in the art to use the QoS values in sessions as taught by Brendel to include network bandwidth enforcing

as taught by Goldszmidt in order to alleviate quality of service problems and quickly accurately
complete service requests for each session (Gold: page 1, para 6-7).

Regarding claim 13, the Brendel reference teaches the method according to claim 3. The Brendel
reference fails to teach bandwidth allocation. However, the Goldszmidt reference teaches
enforcing bandwidth allocation using the available bandwidth information as the at least one
transmitted message is transmitted through the networking environment (Goldszmidt: page 7,
para 82; page 1, para 6-7) to alleviate quality of service problems and quickly accurately
complete service requests for each session (Gold: page 1, para 6-7).
It would have been obvious at the time of the invention to one of ordinary skill in the art to use
the QoS values in sessions as taught by Brendel to include network bandwidth enforcing as
taught by Goldszmidt in order to alleviate quality of service problems and quickly accurately
complete service requests for each session (Gold: page 1, para 6-7).

Regarding claim 34, the Brendel reference teaches the system according to claim 19, wherein:
the TQoS values comprise at least (1) a transmission priority value to be used when transmitting
the response messages with the annotated routing token (Brendel: col. 9, lines 37-56) at least one
of the response messages transmitted with the annotated routing token is a response that serves a
web object to the client computer (Brendel: col. 5, lines 45-52) and
the means for using the determined TQoS values further comprises means for using the
determined TQoS values to prioritize transmission of the response that serves the web object
(Brendel: col. 9, lines 37-56). The Brendel reference fails to teach network bandwidth allocation.

However, the Goldszmidt reference teaches (2) available bandwidth information
pertaining to a network connection to the client computer (Goldszmidt: page 7, para 82; page 1,
para 6-7); and to enforce bandwidth allocation using the available bandwidth information as the
packet is transmitted (Goldszmidt: page 7, para 82; page 1, para 6-7) from devices like a network
cache to alleviate quality of service problems and quickly accurately complete service requests
for each session (Gold: page 1, para 6-7).
It would have been obvious at the time of the invention to one of ordinary skill in the art to use
the QoS values in sessions as taught by Brendel to include network bandwidth enforcing as

taught by Goldszmidt in order to alleviate quality of service problems and quickly accurately

complete service requests for each session (Gold: page 1, para 6-7).

The examiner understands the difference between a method, system and computer
program product, the examiner equates the method to the code, hardware, and actions of which
invention runs. Therefore the claims are rejected as cited above as being substantially similar.

**Claims 1, 2, 14, 4, 15, 6-12, 17-18, 52-53; 19, 21, 23-27, 29-30, 32-34, 37,39, 41-45, 47-
48, 50-57 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.
6,772,333 by Brendel.**

**Claims 3, 13 and 34; 20, 28, 38, 46 are rejected under 35 U.S.C. 103(a) as being
unpatentable by U.S. Patent No. 6,772,333 by Brendel in view of U.S. Patent Publication
No. 2002/0019873 by Goldszmidt et al.**

PRIOR ART

U.S. Patent No. 6,442,550 by Rajamony teaches priority QoS data and treatment of data through

a network.

REMARKS

Applicant has made significant amendments to the independent and many dependent

claims but the claims are not allowable in view of the cited prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
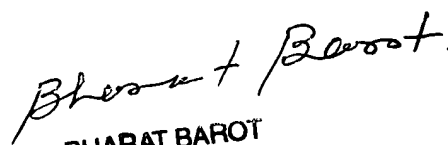
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-

3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
brb

BHARAT BAROT
PRIMARY EXAMINER